

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS							
UNITED STATES OF AMERICA		For plaintiff:							
VS		Nathan G. Graham Robert P. Santee							
Texas and Pacific Railway Company, Inc.; Big Four Machine & Supply Company of Oklahoma, Inc.; Bethsaida Baptist Church; City of Pawhuska, a Municipal Corporation; Treasurer of Osage County, State of Oklahoma; Board of County Commissioners of the County of Osage, State of Okla.; Oklahoma Tax Commission, State of Okla- homa; Heirs, executors, administrators, devisees, trustees, and assigns, immediate and remote of the Estates of Walter J. Barrett, Audie A. Moore, W. M. Mills, Emma Guy, Derrill Whipkey, and Cary C. Whipkey; Jeannetta Smith, a/k/a Jeanetta Walls; Ivan G. Ward; Mamie Ward; Isodel Whipkey; Cora Lucky; Ida Mae Marie Cunning- ham; J. J. James; Walter James; A. R. Deckard; June Evelyn Deckard; Otto Fielding Duffield; Jim Dennis; Sarah Dennis; Ed Howard; Annabelle Wheeler; Emmett Frank Kennett; Dot Moore; Betty Moore; Joe J. Gaskin; Florine Gaskin; Marjorie Davidson; J. V. Hanan; Audie Lee Moore St. John; Rubeth Bozarth; Ann Hart; Ollyn Turner; James Whipkey; Albert Whipkey; Evelyn Fox; Margaret Stepp; Laura Whipkey; C. T. Evertson; Mona Prater; and Jessie Mae Theis		For defendant: T. F. Dukes, District Attorney Osage Co. Courthouse Pawhuska, Oklahoma 74056 (for offic- ials of Osage County) Files, Mahan and Wilson(W.Robert Wilson) P. O. Box 207 (for City of Pawhuska) Pawhuska, Oklahoma 74056 Dale G. Savage (Ida Cunningham) 1200 Petroleum Club Bldg. Tulsa, Oklahoma							
STATISTICAL RECORD		COSTS		DATE	NAME OR RECEIPT NO.	REC.		DISB.	
J.S. 5 mailed 11-1-70		Clerk							
J.S. 6 mailed 3-1-72		Marshal							
Basis of Action Recover possession & quiet title to real property		Docket fee Witness fees							
Action arose at: Osage County, Oklahoma		Depositions							

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-21-70	Complaint, filed. Summons issued. g	
11-5-70	Summons, returned & filed: served Walter James at Detroit, Mich., 10-26-70 (\$4.68); Texas & Pacific Ry. at St. Louis, Mo. 10-27-70, (\$4.12) James Whipkey, Grove, Ok. 10-28-70 (\$27.96), Big Four Machine & Supply Co. of Okla, Inc. at Okla. City 10-30-70 (\$5.20); Okla. Tax Com., Ok. City on 10-30-70 (\$4.72)g	
11-9-70	Disclaimer of State of Oklahoma ex rel Oklahoma Tax Commission, filed. ds	
11-9-70	Summons, returned & filed: served Rubeth Bozart at Shawnee Mission, Ks. 11-2-70, and Annabelle Wheeler at Lawrence, Ks. 11-5-70. (USM \$17.32)g	
11-10-70	Return of Summons. Served: Texas & Pacific Railway Co., Inc. through its attorney, William F. Powers on 11-9-70 at 2:05 P.M. (\$3.00 Fee.) Filed. v	
11-13-70	Disclaimer of interest of debt. Texas & Pacific Railway Co., filed. m	
11-20-70	Return of Summons. Served Joe J. Gaskin by serving Elizabeth Harris, in Pawhuska, Oklahoma on 11-19-70. Service of Florine Gaskin was not completed. Unable to locate. Served Marjorie Davidson by serving Helen Stephenson, Sister in Pawhuska, Oklahoma on 11-19-70 at 12:30 P.M. (Fee \$3.00) Served J. V. Hanan personally at Pawhuska, Oklahoma on 11-19-70 at 12:50 P.M. (Fee \$3.00) Served Audie Lee Moore St. John by serving Dot Moore, mother at Pawhuska, Oklahoma, on 11-19-70 at 12:25 P.M. (Fee \$3.00) Served Albert Whipkey by serving Isodel Whipkey in Vinita, Oklahoma on 11-19-70 at 11:55 A.M. (Fee \$3.00) Served Evelyn Fox at Skiatook, Oklahoma on 11-19-70 at 10:25 A.M. (Fee \$3.00) Filed. v	
11-20-70	Return of Summons. Served Ivan G. Ward at Pawhuska, Oklahoma on 11-19-70 at 12:05 A.M. (Fee \$3.00) Served Mamie Ward by serving Ivan Ward, Husband on 11-19-70 at 12:05 P.M. (Fee \$3.00) Served Isodel Whipkey at Pawhuska, Oklahoma on 11-19-70 at 11:55 A.M. (Fee \$3.00) Served Jeannetta Smith aka Jeannetta Walls at Pawhuska Oklahoma on 11-19-70 at 12:40 P.M. (Fee \$3.00) Filed. v	
11-20-70	Return of Summons. Served Ida Mae Marie Cunningham in Pawhuska, Okla. on 11-19-70 (Fee \$3.00) Served J. J. James at Pawhuska, Oklahoma on 11-19-70 (\$3.00) A. R. Deckard was served at Pawhuska, Oklahoma on 11-19-70 (\$3.00) Served June Evelyn Deckard at Pawhuska, Okla. on 11-19-70 (\$18.96) Served Otto Fielding Duffied by serving Mrs. Otto F. Duffield on 11-9-70 (\$4.20) Served Jim Dennis by serving Sarah Dennis, Adm. of Estate on 11-19-70 (\$31.00) Served Sarah Dennis at Pawhuska, Oklahoma on 11-19-70 (\$3.00) Served Dot Moore at Pawhuska, Oklahoma on 11-19-70 (\$3.00) Served Betty Moore by serving Dot Moore, mother on 11-19-70 at Pawhuska, Oklahoma (\$3.00) Filed. v	
11-20-70	Return of Summons. Served Laura Whipkey at Skiatook, Oklahoma on 11-19-70 (\$3.00) Served C. T. Evertson at Pawhuska, Oklahoma on 11-19-70 (\$3.00) Served Mona Prater at Pawhuska, Oklahoma on 11-19-70 (\$3.00) Served Jessie Mae Theis at Pawhuska, Oklahoma on 11-19-70 (\$3.00) Filed. v	
11-20-70	Return of Summons. Served Emmett Frank Kennett by serving Mrs. James Hanan, sister at Pawhuska, Oklahoma on 11-19-70 (\$3.00) Filed. v	
11-20-70	Return of Summons. Served City of Pawhuska by serving Morgan Hays, City Mgr. at Pawhuska, Oklahoma on 11-19-70 (\$3.00) Filed. v	
11-20-70	Return of Summons. Served Treasurer of Osage County by serving Mr. Frances Mitchell at Pawhuska, Oklahoma on 11-19-70 (\$3.00) Served Board of County Commissioners of the County of Osage by serving Lolita Blackiston, Co. Clerk at Pawhuska, Oklahoma on 11-19-70 (\$3.00) Filed. v	

(OVER)

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11-20-70	Return of Summons. Served Bethsaide Baptist Church, Inc. by serving Clarence Wm. Montgomery, Minister at Pawhuska, Oklahoma on 11-19-70 Filed. v	
11-24-70	Disclaimer of Joe J. Gaskin, filed. m	
12-4-70	Answer of defendants, officials of Osage Co. Okla, Frances Mitchell, Treas., and Board of Co. Commissioners of Osage Co., filed. ds	
12-7-70	Motion of deft. City of Pawhuska for additional time to plead, filed. m <i>order mailed to Judge Bo</i>	
12-8-70	Motion of deft. Ida May Marie Cunningham for extension of time to answer, filed. m <i>order mailed to Judge Bo</i>	
12-8-70	Return of Summons. Served Margaret Stepp in Maryland on 12-3-70 at 8:00 P.M. (Fee \$26.32) Filed. v	
12-9-70	Order granting additional time to plead for City of Pawhuska of 20 days from 12-8-70, filed. (LB-J)m (copies mailed)W.R.Wilson)	
12-9-70	Disclaimer of deft. Marjorie Davidson, filed. m	
12-9-70	Disclaimer of deft. Nona Prater, filed. m	
12-9-70	Disclaimer of deft. Jeannetta Smith, a/k/a Jeanetta Walls, filed. m	
12-9-70	Disclaimer of deft. Sarah Dennis, filed. m	
12-9-70	Disclaimer of defts. Ivan G. Ward and Mamie Ward, filed. m	
12-9-70	Disclaimer of deft. Jessie Mae Theis, filed. m	
12-10-70	Order for extension of time to answer for deft. Ida May Marie Cunningham until 1-5-71, filed. (LB-J)m (copy mailed Dale Savage)	
12-14-70	Pltf's motion for order allowing amendment to complaint, filed. m	
12-17-70	Order allowing amendment to complaint, filed. (LB-J)m (copies mailed)	
1-4-71	Amendment to complaint, filed. m	
1-22-71	Returns on service, filed: served Walter James at Detroit, Mich., 1-18-71; Evelyn Fox at Skiatook, Ok., City of Pawhuska, Osage County Treas. & Bd. of Commrs.; Bethsaide Baptist Church, Inc., all at Pawhuska, Ok. 1-20-71; Jeannetta Smith, a/k/a Jeanetta Walls, A. R. Deckard, Ivan G. Ward, Mamie Ward, Isodel Whipkey, Ida Marie Cunningham, J. J. James, all at Pawhuska, Ok. on 1-20-71(USM \$60.64)g	
1-25-71	Return of Summons. Served James Whipkey at Grove, Oklahoma on 1-22-71 at 12:35 P.M. (Fee \$27.12) filed. r	
1-26-71	Return on summons, filed. Served Big Four Machine & Supply Co. at Oklahoma City, Okla on 1-23-71. (\$6.88) Served Oklahoma Tax Comm. at Oklahoma City, Okla, on 1-13-71. (\$4.72) ds	
1-26-71	Return on summons, filed. Served William K. Powers, Atty. for Texas & Pacific Railway Co., and Otto Fielding Duffield by serving Mrs. Duffield, both in Tulsa, Okla. on 1-26-71. m	
2-3-71	Returns on service of writ, filed: served Annabelle Wheeler at Lawrence, Ks., 1-22-71 (USM \$10.68), Rubeth Bozarth at Shawnee Mission, Ks., 1-28-71 (USM \$6.40)g	
2-8-71	Return of Marshals Service. Service on Margaret Stepp was returned unexecuted. filed. r	
2-9-71	Disclaimer of interest of defendant Texas and Pacific Railway Company, filed. b	
2-18-71	Disclaimer of deft. Big Four Machine and Supply Company of Oklahoma, Inc., filed. m	
2-19-71	Answer of Deft. Ida Mae Marie Cunningham Reed, filed. r	
3-11-71	Returns on summons, filed. Served Betty Moore in Pawhuska, Okla. on 3-10-71; served Joe J. Gaskin by serving Elizabeth Harris, "Overseer", Marjorie Davidson, C. T. Evertson, Nona Prater, Jessie Mae Theis in Pawhuska, Okla. on 1-20-71; Florine Gaskin moved to Calif. & no new address. Served J. V. Hanan, Emmett Frank Kennett by serving J.V. Hanan, Brother-in law, Dot Moore by serving Betty Moore, daughter,	

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	and Audie Lee Moore St. John by serving Betty Moore, sister, all in Pawhuska, Okla. on 3-10-71; served June Evelyn Deckard by serving A.R. Deckard, husband, Jim Dennis by serving Sarah Dennis, Adm. of Estate, and Sarah Dennis, all in Pawhuska, Okla. on 1-20-71. m	
5-27-71	Motion for service by publication pursuant to 28 USC 1655, filed. m	
6-1-71	Order for service by publication pursuant to 28 U.S.C., 1655, filed. (LB-J)m	
6-4-71	Application for extension of time to plead, of defendants, filed. ds	
6-8-71	Order granting additional time to plead for City of Pawhuska for 20 days from date (to plead to amended complaint of pltf.), filed. (LB-J)m (copy to Files, Mahan & Wilson)	
6-28-71	Answer and Cross-Claim filed by City of Pawhuska. h	
7-16-71	Ret. on service of writ, filed: summons served on Margaret Stepp at Woodfield, Maryland, 7-7-71. (USM \$14.56)g	
8-18-71	Deft.'s Stipulation as to just compensation, filed. v	
8-24-71	Case set for pre-trial 9-9-71 at 9:30 a.m. (LB-J)m	
8-26-71	Proof of publication, (Fees: \$151.05), filed. v	
9-9-71	Case called for pre-trial hearing. Plaintiff to prepare order as to deft. Cunningham releasing any cloud of title against her. Parties (City of Pawhuska and Govt.) to file stipulation of facts within 30 days and simultaneous briefs 15 days thereafter. Court will then file F/F & C/L or Opinion. If parties wish oral argument, state in briefs, otherwise Court will enter final order. (LB-J)m	
9-22-71	Order of dismissal as to Ida Mae Marie Cunningham Reed, filed and entered. (LB-J)g	
10-12-71	Joint Motion for an enlargement of time to prepare stipulation of facts and to thereafter submit briefs, filed. r	
10-12-71	Order, for good cause shown in the foregoing joint motion, the enlargements of time requested therein are hereby granted. It is so Ordered. (LB-J)r (copies sent to Short & Wilson per H.M) ¹¹⁻⁸⁻⁷¹ / ₁₂₋₈₋₇₁	
11-5-71	Stipulation as to Facts, filed. v	
11-8-71	Answer of pltf. to cross-claim of deft. City of Pawhuska, filed. m	
12-7-71	Motion of deft. City of Pawhuska for an enlargement of time to submit briefs, with order extending time to 1-15-72, filed. (LB-J)m (copies mailed)	
12-8-71	Brief of the Plaintiff, U.S.A., filed. v	
1-17-72	Brief of City of Pawhuska, a municipal corporation, filed. ds <i>file mailed</i>	
2-8-72	Pltf's motion for leave to file supplemental brief, with order granting leave to file said brief, filed. (LB-J)hm	
2-8-72	Supplemental brief of the United States, filed. hm <i>on record</i>	
2-8-72	Case set for oral arguments 2-14-72 at 9:00 a.m. (LB-J)hm	
2-9-72	Deft. City of Pawhuska's motion to strike supplemental brief of USA, filed. hm	
2-14-72	Case called for oral arguments. Deft's motion to strike supplemental brief of USA overruled. Court takes ruling under advisement & will enter an order. (LB-J)hm	
2-22-72	Findings of fact and conclusions of law, filed. (LB-J)hm (copies mailed)	
2-22-72	Decree, filed and entered, that the Osage Tribe of Indians is legal owner in fee simple to certain described real property, and that named defts. are barred & enjoined from asserting any right, title or int. to said property; that the fee simple title of Osage Tribe is hereby quieted & confirmed as against each of named defts. to claim any title, etc. thereto; and that pltf. recover costs. (LB-J)hm (copies mailed)	